

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROBERT DELLAIRO,
Plaintiff

v.

TIMOTHY GARLAND,
Defendant

Civil No. 02-42-B-C

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge having filed with the Court on March 11, 2003, with copies to the *pro se* Plaintiff and to counsel, her Recommended Decision (Docket Item No. 46) in the above-entitled matter; and the time for filing objections thereto having expired without any objections having been filed; *see* 28 U.S.C. § 636(b)(1); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and this Court concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (2) Plaintiff's motion for partial summary judgment is hereby **DENIED**.

GENE CARTER
Senior District Judge

Dated at Portland, Maine this 7th day of April, 2003.
[Counsel List follows.]

Plaintiff

ROBERT DELLAIRO

represented by **ROBERT DELLAIRO**
MAINE STATE PRISON
807 CUSHING ROAD
WARREN, ME 04864-4600
PRO SE

V.

Defendant

TIMOTHY GARLAND

represented by **STEVEN J. MOGUL**
GROSS, MINSKY & MOGUL, P.A.
P.O. BOX 917
23 WATER ST.
BANGOR, ME 04401
207-942-4644
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RICHARD CLUKEY

TERMINATED: 03/27/2002

CHERYL GALLANT

TERMINATED: 03/27/2002